

REMARKS

In response to the Office Action mailed July 9, 2008, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks, has amended claims, and has added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1-4, 6-12, 14-17, 19-22, 24-30 and 32-41 were pending in this Application. Claims 42-45 have been added. Accordingly, claims 1-4, 6-12, 14-17, 19-22, 24-30 and 32-45 are now pending in this Application. Claims 1, 11, 19, 29, 36, and 37 are independent claims.

Rejections under §112

Claims 19 and 29 were rejected under 35 U.S.C. §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular the Office Action on page 2 has indicated that there is insufficient antecedent basis for "the host computer" with regards to claims 19 and 29. Applicant has amended claims 19 and 29 so that there is sufficient antecedent basis. The rejection under 35 U.S.C. §112 second paragraph should be withdrawn.

Rejections under §102 and §103

Claims 1-3, 6-8, 19-21, 24-26, 36-38 and 40 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,748,439 (Monachello et al., hereinafter Monachello). Claims 4 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Monachello in view of Request For Comment 3203 (RFC 3203). Claims 9-12, 14, 15, 17, 27-30, 32, 33, 35, 39 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Monachello in view of U.S. Patent Publication No. 2004/0113908 (Galanes et al., hereinafter Galanes). Claims 16 and 34 were rejected under 35 U.S.C. §103(a)

as being unpatentable over Monachello in view Galanes and further in view of RFC 3203.

Applicant respectfully traverses each of these rejections and requests reconsideration. The claims are in allowable condition because they patentably distinguish over the prior art.

Claims 1-4, 6-10, and 38

Claim 1 relates to a method for reconfiguring a host computer. The method includes enabling the host computer to access a network through a network interface. The method further includes intercepting a network message i) received from over the network and ii) destined for receipt by the host computer through the network interface. In response to intercepting the network message, the method also includes disabling the network interface to prompt the host computer to perform a reconfiguration routine.

Monachello relates to establishing a network connection to a network service provider and specifically to dynamically selecting a service (col. 1 lines 10-12). A DHCP server running on the customer premises equipment (CPE) assigns a workstation a temporary IP address. A user can subsequently run a web based service selection application. After a user has made the service selection the CPE forces the workstation to change its IP addresses from the temporary IP address to a globally significant IP address assigned by the network service provider (col. 5 lines 25-60).

Claim 1 was rejected under §102(e) as being anticipated by Monachello. However, Monachello does not teach all the elements of claim 1. For example, Monachello does not teach or suggest "in response to intercepting the network message, disabling the network interface to prompt the host computer to perform a reconfiguration routine," as claimed by Applicant.

The Office Action on Page 3 has indicated that Monachello discloses that the CPE disables its connection to the host in response to receipt of a message from the Central Office (CO). Applicant disagrees with this characterization of

Monachello. Monachello, in the excerpt (col. 5, lines 29 and 58-61) cited in the Office Action, merely teaches that after a user has made the service selection, the CPE forces the workstation to change its IP address. There is no indication in Monachello that forcing a workstation to change its IP address involves disabling the network interface. Additionally, Monachello doesn't seem to give any indication for *how* IP addresses are changed, and in particular there is no teaching or suggestion of "disabling the network interface to prompt the host computer to perform a reconfiguration routine," as claimed by Applicant. Monachello appears to be silent as to how the CPE forces the workstation to change its IP addresses. If the rejection is to be maintained, Applicant asks that it be pointed out with particularity where the forced change of IP address in Monachello is achieved by "disabling the network interface," as claimed by Applicant.

Furthermore, Monachello describes a forced IP address change in response to a user making a service selection, and not "in response to intercepting the network message," as claimed by Applicant. Monachello does describe an embodiment where DHCP is used on the CO box to obtain an IP address, and that when a connection occurs the CO gives the CPE the address (col. 5 lines 10-11 and 15-16). However, this transfer of an IP address from the CO to the CPE is not what makes the CPE force the workstation to change its IP address. The workstation's forced change in IP address, in Monachello, is only achieved when a user on the workstation makes a service selection. Thus there is no teaching or suggestion of "in response to intercepting the network message, disabling the network interface to prompt the host computer to perform a reconfiguration routine," as claimed by Applicant.

For the reasons stated above, claim 1 patentably distinguishes over the cited prior art, and the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 1 is in allowable condition. Because claims 2-4, 6-10, and 38 depend from and further limit claim 1, claims 2-4, 6-10, and 38 are in allowable condition for at least the same reasons.

Claims 11-12, 14-17, and 39

Claim 11 relates to a method for reconfiguring a host computer to access a network. The method includes providing the host computer access to the network through a network interface. The method further includes forwarding a network message transmitted to the host computer from a node in the network through the network interface, the network message including a command to initiate reconfiguration of the host computer for further communications through the network interface. The method also includes, after forwarding the network message to the host computer, monitoring communications transmitted from the host computer through the network interface to identify whether the host computer initiates reconfiguration of the host computer based on execution of the network message. The method yet further includes, in response to detecting that the host computer does not initiate reconfiguration of the host computer based on receipt of the network message, disabling the network interface utilized by the host computer to access the network.

Galanes relates to access of information over a network such as the Internet. More particularly, Galanes relates to controls for a server that generates client side markup enabled with recognition and/or audible prompting (paragraph [0002]). A web server can include modules or routines to detect the capabilities of a client device. In this manner, the server side plug-in module can generate a client side markup for each of a set of voice recognition scenarios (paragraph [0051]).

Claim 11 was rejected under §103(a) as being unpatentable over Monachello in view of Galanes. However, the combination of Monachello and Galanes does not teach all the elements of claim 11. For example, Monachello and Galanes do not teach or suggest "in response to detecting that the host computer does not initiate reconfiguration of the host computer based on receipt of the network message, disabling the network interface utilized by the host computer to access the network," as claimed by Applicant.

The Office Action on Page 15 has indicated that Monachello discloses that the CPE forces the host to obtain a new IP address (col. 5, lines 29 and 58-61). While Applicant agrees with this assessment of Monachello, there is no indication, as earlier discussed with reference to claim 1, in Monachello for how IP addresses are changed, and in particular there is no teaching or suggestion of "disabling the network interface utilized by the host computer to access the network," as claimed by Applicant. Monachello appears to be silent as to how the CPE forces the workstation to change its IP addresses. Additionally, combining the client capabilities detection of Galanes, would still not explain how the CPE in Monachello would force the workstation to change its IP address.

Furthermore, as earlier discussed with reference to claim 1, Monachello describes a forced IP address change in response to a user making a service selection, and not "in response to detecting that the host computer *does not initiate reconfiguration* of the host computer based on receipt of the network message," as claimed by Applicant. Galanes does describe that a web server can include modules or routines to detect the capabilities of the client device to generate a client side markup for different voice recognition scenarios. However, detecting capabilities of a client is different from detecting that a host computer does not initiate reconfiguration of the host computer based on receipt of the network message. The difference is analogous to the difference between detecting what a device is capable of doing versus what a device has actually done. Therefore, the addition of client capabilities detection of Galanes when added to Monachello still does not teach or suggest, "in response to detecting that the host computer does not initiate reconfiguration of the host computer based on receipt of the network message, disabling the network interface utilized by the host computer to access the network," as claimed by Applicant.

For the reasons stated above, claim 11 patentably distinguishes over the cited prior art, and the rejection of claim 11 under 35 U.S.C. §103(a) should be withdrawn. Accordingly, claim 11 is in allowable condition. Because claims 12,

14-17, and 39 depend from and further limit claim 11, claims 12, 14-17, and 39 are in allowable condition for at least the same reasons.

Claims 19-22, 24-28, 36-37 and 40

Claims 19-22, 24-28, 36-37 and 40 all include, either directly or indirectly, the above-discussed feature(s) of claim 1 and therefore are not anticipated by Monachello for at least the same reasons discussed above.

Claims 29-30, 32-35, and 41

Claims 29-30, 32-35, and 41 all include, either directly or indirectly, the above-discussed feature(s) of claim 11 and therefore are not rendered obvious by Monachello and Galanes for at least the same reasons discussed above.

Newly Added Claims

Claims 42-45 have been added and are believed to be in allowable condition. Claim 42 depends from claim 1. Claim 43 depends from claim 11. Claim 44 depends from claim 19. Claim 45 depends from claim 29. Support for claims 42-45 is provided within the Specification, for example, on page 13, line 23 through page 14, line 25. No new matter has been added. These new claims further distinguish over Monachello because Monachello teaches initially assigning a locally significant or IP address that *does not* allow access to the entire network before assigning a globally significant IP address that *does* allow access to the entire network. Claims 42-45 teach assigning the host computer a first IP address to allow the host computer to access the network via use of a first network service and assigning the host computer a second IP address that is different from the first IP address to allow the host computer to access the network via use of a second network service. Claims 42-45 differ from Monachello in that in claims 42-45, the first and second IP addresses both allow the host computer to access the network.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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